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May 15, 2012

Agenda No. 8  
02/28/12

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**Re: Ordinance Amending Titles 21 and 22 of the Los Angeles  
County Code to Make Certain Clarifying Changes and Other  
Changes to be Consistent with State Law**

Dear Supervisors:

At the February 28, 2012 Board meeting, your Board instructed our office to prepare an ordinance amending Titles 21 and 22 of the Los Angeles County Code to make certain clarifying changes as further modified by your Board at the hearing, to change other sections to be consistent with State law, and to make the minor conditional use permit process applicable to nonconforming apartment houses in certain zones. Enclosed are the analysis and ordinance for your consideration.

Very truly yours,

JOHN F. KRATTLI  
Acting County Counsel

By

ELAINE M. LEMKE  
Principal Deputy County Counsel  
Property Division

APPROVED AND RELEASED:

  
JOHN F. KRATTLI  
Acting County Counsel

EML:vn  
Enclosures

c: Richard J. Bruckner, Director  
Department of Regional Planning

## ANALYSIS

An ordinance amending Title 21 – Subdivisions and Title 22 – Planning and Zoning of the Los Angeles County Code to make certain clarifying changes, to change other sections to be consistent with State law, and to make the minor conditional use permit process applicable to nonconforming apartment houses in certain zones.

JOHN F. KRATTLI  
Acting County Counsel

By



ELAINE M. LEMKE  
Principal Deputy County Counsel  
Property Division

EML:vn

Requested: 02-28-12

Revised: 04-26-12

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Title 21 – Subdivisions and Title 22 – Planning and Zoning of the Los Angeles County Code to make certain clarifying changes, to change other sections to be consistent with State law, and to make the minor conditional use permit process applicable to certain nonconforming apartment houses in certain zones.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Section 21.08.090 is hereby amended to read as follows:

**21.08.090 Lease project.**

A. "Lease project" refers to a development wherein two or more residential or commercial buildings are constructed and maintained on a parcel of land, and apartments, offices, stores, or similar space are leased within one or more of the buildings, overall control of the land and buildings comprising the project being retained by the lessor. The following shall not be included when computing the number of buildings within a lease project:

1. Accessory or satellite buildings; and
2. Parking structures; and
3. ~~Commercial buildings having a floor area of less than 400 square~~

~~feet.~~

...

**SECTION 2.** Section 21.12.010 is hereby amended to read as follows:

**21.12.010 Membership.**

The ~~s~~Subdivision ~~e~~Committee created by Ordinance 3114 to act in an advisory capacity to the advisory agency, is hereby continued. It consists of the following members or their duly authorized representatives:

A. The ~~d~~Director of ~~planning of the~~ Department of ~~r~~Regional ~~p~~Planning ~~commission of the county of Los Angeles;~~

B. The ~~county engineer;~~ Director of the Department of Public Works.

~~C. The road commissioner;~~

~~DC. The~~ Director of the Department of Public ~~h~~Health ~~officer;~~

~~ED. The~~ Director of the Department of ~~p~~Parks and ~~r~~Recreation;

~~F. The chief engineer of the Los Angeles County Flood Control District;~~

~~GE. The~~ County ~~f~~Forester and ~~f~~Fire ~~w~~Warden.

**SECTION 3.** Section 21.12.020 is hereby amended to read as follows:

**21.12.020 Time of meetings.**

The ~~s~~Subdivision ~~e~~Committee shall meet ~~at least once a week~~ regularly to consider tentative maps, ~~final maps and~~ paree ~~exhibit~~ maps.

**SECTION 4.** Section 21.40.180 is hereby amended to read as follows:

**21.40.180 Duration of approval -- Extensions.**

A. The approval of a tentative map shall be effective for a period of two years.

B. The ~~advisory agency~~hearing officer may grant one or more extensions to the terms of approval of a tentative map. ~~Each extension shall be for no more than one year and the sum of such extensions shall not exceed three years~~The total number of extensions shall not exceed the maximum number of extensions authorized by the Subdivision Map Act. The subdivider shall submit a written request to the ~~advisory agency~~Director of the Department of Regional Planning for such extension before expiration of the map.

C. If the ~~advisory agency~~hearing officer denies the subdivider's application for an extension, the subdivider may appeal the decision to the ~~legislative body~~Regional Planning Commission within 15 days after the ~~action of the advisory agency~~decision is made by the hearing officer. The decision of the Regional Planning Commission may be further appealed to the Board of Supervisors within 15 days after the decision is made by the Regional Planning Commission.

**SECTION 5.** Section 21.48.120 is hereby amended to read as follows:

**21.48.120 Duration of approval -- Extensions.**

A. The approval of a tentative minor land division map shall be effective for a period of two years.

B. The ~~advisory agency~~hearing officer may grant one or more extensions to the terms of approval of a tentative map. ~~Each extension shall be for no more than one year and the sum of said extensions shall not exceed three years~~The total number of extensions shall not exceed the maximum number of extensions authorized by the Subdivision Map Act. The subdivider shall submit a written request to the ~~advisory~~

~~agency~~Director of the Department of Regional Planning for such extension before expiration of the map.

C. If the ~~advisory agency~~hearing officer denies the subdivider's application for an extension, the subdivider may appeal the decision to the ~~legislative body~~Regional Planning Commission within 15 days after the ~~action of the advisory agency~~decision is made by the hearing officer. The decision of the Regional Planning Commission may be further appealed to the Board of Supervisors within 15 days after the decision is made by the Regional Planning Commission.

**SECTION 6.** Section 22.40.080 is hereby amended to read as follows:

**22.40.080 Review of zone classification.**

A. Upon expiration of an unused conditional use permit in Zone ( )-DP, or if no application for a conditional use permit has been filed within two years following the effective date of an ordinance placing property in Zone ( )-DP, the ~~e~~Commission ~~shall~~may, ~~within 60 days thereafter~~, investigate the circumstances resulting in failure to apply for or use such conditional use permit.

B. In all cases the ~~e~~Commission may extend such time for a period of not to exceed one year, provided an application requesting such extension is filed prior to such expiration date.

C. If neither the applicant, nor the person who on the latest available assessment roll appears to be the owner of the property involved, substantiates to the ~~e~~Commission's satisfaction that additional time should be granted for the filing of an application for, or reapplication for, a conditional use permit, the ~~e~~Commission ~~shall~~may

institute proceedings to rezone such property to the zone in existence prior to the adoption of Zone ( )-DP or to such other zone as may be deemed appropriate.

D. If upon the expiration of additional time granted by the eCommission no application has been filed for a conditional use permit, or if a second conditional use permit has expired unused, the eCommission shallmay initiate proceedings to rezone such property as provided in this section.

**SECTION 7.** Section 22.56.070 is hereby amended to read as follows:

**22.56.070 Application -- Public hearing required -- Exception.**

In all cases where an application for a conditional use permit is filed, except where the hearing officer grants the permit pursuant to ~~Section 22.56.080~~ or the dDirector grants the permit pursuant to ~~S~~section 22.56.085, the public hearing shall be held pursuant to the procedure provided in Part 4 of Chapter 22.60.

**SECTION 8.** Section 22.56.080 is hereby deleted in its entirety as follows:

~~**22.56.080 Permit-Granted following ex parte consideration--**~~  
~~**Exceptions.**~~

~~Where the hearing officer finds that the use requested, subject to such conditions as he deems necessary, will comply with the findings required by Section 22.56.090, he may grant such permit without a public hearing except that this section does not apply to an application for the following:~~

~~—— Airports.~~

~~Amusement and entertainment enterprises and concessions,~~  
including all structural devices and contrivances designed and operated for patron  
participation and pleasure.

~~Circus winter quarters.~~

~~Colleges and universities.~~

~~Communication equipment buildings.~~

~~Correctional institutions.~~

~~Day nurseries.~~

~~Earth stations.~~

~~Electrical distribution substations.~~

~~Electric transmission substations.~~

~~Electric generating plants.~~

~~Golf courses, including the customary clubhouse and appurtenant~~  
facilities.

~~Golf driving ranges.~~

~~Guest ranches.~~

~~Heliports.~~

~~Helistops.~~

~~Hospitals.~~

~~Institutions for the aged, private.~~

~~Institutions for children, private.~~

~~Juvenile halls.~~



~~Land reclamation projects.~~

~~Landing strips.~~

~~Mobilehome parks.~~

~~Motor recreational facilities for the driving, testing and racing of automobiles, dune buggies, motorcycles, trail bikes or similar vehicles, including appurtenant facilities in conjunction therewith.~~

~~Nudist camps.~~

~~Oil wells.~~

~~Outdoor festivals.~~

~~Parking buildings.~~

~~Public utility service centers.~~

~~Race tracks.~~

~~Radio and television stations and towers.~~

~~Recreation clubs, private.~~

~~Rifle, pistol, skeet or trap ranges.~~

~~Sewage treatment plants.~~

**SECTION 9.** Section 22.56.085 is hereby amended to read as follows:

**22.56.085 Grant or denial of minor conditional use permit by**

**dDirector.**

A. Any person filing an application for a conditional use permit may request the Director to consider the application in accordance with this section for the following uses:

-- Apartment houses, nonconforming due to use, in zones where the use is allowed with a conditional use permit.

...

**SECTION 10.** Section 22.56.1630 is hereby amended to read as follows:

**22.56.1630 Grant or denial of application.**

A. The hearing officer shall approve an application to modify or eliminate any condition(s) of a previously approved conditional use permit only upon a finding by the hearing officer that: (1) not more than one protest to the granting of the application is received within the specified protest period; and (2) the information submitted by the applicant substantiates the following findings:

1. That the burden of proof for the conditional use permit as modified has been satisfied ~~as required by~~ pursuant to Section 22.56.040;

2. That ~~approval of the application~~ the modified conditional use permit will not ~~substantially alter or~~ materially deviate from the terms and conditions imposed in the ~~granting of the~~ previously approved conditional use permit; and

...

D. Notwithstanding the foregoing, the hearing officer shall not modify or eliminate any condition pursuant to this section specified as mandatory in this Title 22 or any condition which relates to a development standard that may only be modified through a variance procedure pursuant to the provisions of Part 2 of Chapter 22.56.

**SECTION 11.** Section 22.56.1650 is hereby amended to read as follows:

**22.56.1650 Appeal procedures.**

Any person dissatisfied with the action of the hearing officer may file an appeal of such action with the eCommission within the time period set forth in Part 5 of Chapter 22.60, and subject to all of the other provisions ofin Part 5 of Chapter 22.60 related solely to appeals to the Commission.

A. On appeal, the Commission may approve an application to modify or eliminate any condition(s) of a previously approved conditional use permit only upon finding:

1. That the burden of proof for the conditional use permit as modified has been satisfied pursuant to section 22.56.040;

2. That the modified conditional use permit will not materially deviate from the terms and conditions imposed in the previously approved conditional use permit; and

3. That the approval of the application is necessary to allow the reasonable operation and use granted in the previously approved conditional use permit.

B. In all other cases the Commission shall deny the application.

C. In approving an application, the Commission may impose additional condition(s) deemed necessary to insure that the modification or elimination of any condition will be in accord with the requirements of subsection A of this section.

D. Notwithstanding the foregoing, the Commission shall not modify or eliminate any condition pursuant to this section specified as mandatory in this Title 22 or any condition which relates to a development standard that may only be modified through a variance procedure pursuant to the provisions of Part 2 of Chapter 22.56.

**SECTION 12.** Section 22.60.190 is hereby amended to read as follows:

**22.60.190 Notification of action taken.**

At the close of the public hearing, the hearing officer or Commission, as the case may be, shall publicly announce the appeal period for filing an appeal of its action. In addition, ~~T~~the hearing officer, ~~e~~Commission, or ~~b~~Board of ~~s~~Supervisors, as the case may be, shall serve notice of its action upon:

A. The applicant for a permit, variance, nonconforming use or structure review, development agreement or zone change, or the person owning and/or operating a use for which the revocation of a permit, variance or nonconforming use, or structure is under consideration as required by law for the service of summons or by ~~registered or certified mail, postage prepaid, return receipt requested; and~~ first-class mail, and by electronic mail where applicable.

B. The following persons by ~~first-class mail, postage prepaid~~ or electronic mail where applicable:

1. All protestants testifying or speaking at the public hearing;
2. All persons testifying or speaking in favor of the proposal at a public hearing; and
3. Any other persons testifying or speaking at a public hearing.

C. In matters for which a hearing examiner has conducted a public hearing, the hearing examiner shall mail notice of the date, time, and place for the eCommission public hearing on the project, a synopsis of the hearing examiner's public hearing, and the written recommendation to the eCommission to persons identified in subsections A and B. The eCommission's public hearing in such matters shall also be preceded by timely and complete notice in accordance with sections 22.60.174 and 22.60.175.

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